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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,194	10/16/2003	Vilho Nissinen	3397-94DV4	7128

7590 03/31/2009  
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EXAMINER
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HALPERN, MARK

ART UNIT	PAPER NUMBER
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1791

MAIL DATE	DELIVERY MODE
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03/31/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/687,194  
Filing Date: October 16, 2003  
Appellant(s): NISSINEN ET AL.

\_\_\_\_\_  
Alfred W. Froebrich

For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 11/26/2008 appealing from the Office action mailed 5/19/2008.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

None

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

**WITHDRAWN REJECTIONS**

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner.

Claim 62 rejection under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, is withdrawn.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

US 5,759,258	SOHARA	6-1998
WO 98/16471	VIRTANEN	4-1998

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim 62 is rejected under 35 U.S.C. 102(b) as being anticipated by Sohara (5,759,258). Sohara discloses the forming of calcium carbonate from residues of deinking of wastepaper process, as shown in Figure 1. The formed recycled calcium carbonate also known as precipitated calcium carbonate (PCC) is used for treatment of paper, for example, to provide high brightness to the paper as disclosed in Example I (cols. 6-7).

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Claim 62 part “the recycled calcium carbonate being prepared by calcining into lime precipitated calcium carbonate residue of a deinking process of recycled fiber of the paper, board or non-woven product” pertains to the method of making the recycled calcium carbonate and does not pertain to the use of the recycled calcium carbonate.

Claim 62 part “A use of recycled calcium carbonate in the treatment of a paper, board or nonwoven product, comprising: treating the paper, board, or nonwoven product with the recycled calcium carbonate,” pertains to the use of recycled calcium carbonate.

Sohara discloses recycled calcium carbonate, also known as precipitated calcium carbonate (PCC), is used for treatment of paper, for example, to provide high brightness to the paper as disclosed in Example I, regardless as to how the recycled calcium carbonate is formed.

Claim 62 is rejected under 35 U.S.C. 102(b) as being anticipated by Virtanen (WO 98/16471). Virtanen discloses the forming of calcium carbonate (Pgs. 6-7, Examples 1-2, Pgs. 15 and Pg. 16, lines 15-25). The formed recycled calcium carbonate also known as precipitated calcium carbonate (PCC) is used for treatment of paper, for example, to provide opacity and brightness to the paper (Pg. 1 lines 10-29).

#### **(10) Response to Argument**

Appellant alleges that the cited prior art, neither Sahara, nor Virtanen, disclose the invention since they do not disclose the preparing recycled calcium carbonate by calcining into lime precipitated calcium carbonate residue of a deinking process of

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recycled fiber of the paper, board or non-woven product; reacting the lime with water to form calcium hydroxide; and reacting the calcium hydroxide with carbon dioxide to form the recycled calcium carbonate.

Sohara discloses the forming of calcium carbonate from residues of deinking of wastepaper process. Sohara discloses recycled calcium carbonate, also known as precipitated calcium carbonate (PCC), is used for treatment of paper, for example, to provide high brightness to the paper as disclosed in Example I, regardless as to how the recycled calcium carbonate is formed.

Virtanen discloses the forming of calcium carbonate (Pgs. 6-7, Examples 1-2, Pgs. 15 and Pg. 16, lines 15-25). The formed recycled calcium carbonate also known as precipitated calcium carbonate (PCC) is used for treatment of paper, for example, to provide opacity and brightness to the paper (Pg. 1 lines 10-29).

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Mark Halpern/

Primary Examiner, Art Unit 1791

Conferees:

/Christopher A. Fiorilla/

Chris Fiorilla

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